

imposed a fine of \$25 on count 1, \$500 on count 2, and \$100 on count 3, a total fine of \$625.

1647. Misbranding of Sep-Tone. U. S. v. 10 Bottles, 4 Bottles, and 2 Jugs of Sep-Tone, and a quantity of printed matter. Default decree of condemnation and destruction. (F. D. C. No. 15276. Sample Nos. 22110-H to 22112-H, incl.)

LIBEL FILED: February 16, 1945, Southern District of Illinois; amended libel subsequently filed.

ALLEGED SHIPMENT: By D. D. Dolan, from Dolan Laboratories, St. Louis, Mo. A portion of the drug was shipped on or about November 7, 1944, and the remainder, together with the printed matter, was shipped on or about January 6, 1945.

PRODUCT: 10 1-quart bottles, 4 ½-gallon bottles, and 2 1-gallon jugs of *Sep-Tone*, a placard headed "A High Grade Intestinal Antiseptic," and approximately 50 circulars entitled "Save your share of that 35% of U. S. Poultry Loss," at Edwardsville, Ill.

Examination disclosed that the drug consisted essentially of water, with small amounts of potassium dichromate; sodium, zinc, and copper sulfocarbates; ammonium chloride, and an iodide.

LABEL, IN PART: "Sep-Tone For Poultry Drinking Water," or "Sep-Tone A High Grade Astringent Intestinal Antiseptic."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following and similar statements in the labeling were false and misleading: (Label) "Sep-Tone A High Grade Astringent Intestinal Antiseptic For Medicating the Drinking Water * * * indicated in the treatment of enteritis, Cholera, Typhoid, Colds, coccidiosis, Bronchitis and other bacterial infections," and "Sep-Tone For Poultry Drinking Water"; (circulars) "Sep-Tone will do more towards helping relieve both digestive and respiratory troubles than any other two or three remedies combined. * * * Sep-Tone has apparently done wonders for us in cutting down mortality from colds, bronchitis, mycosis and digestive troubles and helping to keep our birds in tip-top condition"; and (placards) "A high-grade intestinal antiseptic and astringent for poultry drinking water."

DISPOSITION: May 4, 1945. No claimant having appeared, judgment of condemnation was entered and the drug, together with the printed matter, was ordered destroyed.

1648. Misbranding of Diarex, Swinade, Lax-A-Ton, Necor for Swine, and Pine-O-Mist. U. S. v. 20 Cartons of Diarex, 26 Cartons of Swinade, 4 Bottles and 32 Jugs of Lax-A-Ton, 3 Cartons and 1 Package of Necor for Swine, 42 Bottles of Pine-O-Mist, and a quantity of printed matter (and 2 other seizure actions against Diarex, Swinade, Lax-A-Ton, and Pine-O-Mist). Default decrees of condemnation and destruction. (F. D. C. Nos. 15348, 15351, 15355. Sample Nos. 87594-F to 87598-F, incl., 97717-F to 97723-F, incl.)

LIBELS FILED: March 15 and 17, 1945, District of Minnesota and District of South Dakota.

ALLEGED SHIPMENT: Between the approximate dates of October 15 and December 26, 1944, from Bensenville, Ill., by the Central Laboratories.

PRODUCT: 48 cartons of *Diarex*, 30 cartons and 36 cans of *Swinade*, 25 bottles and 32 jugs of *Lax-A-Ton*, 3 cartons and 1 package of *Necor for Swine*, 73 bottles of *Pine-O-Mist*, and quantities of accompanying leaflets at Redwood Falls, Minn., and Labolt and Artesian, S. Dak.

Examination of samples disclosed that the *Diarex* consisted essentially of bismuth subnitrate and subcarbonate, phenyl salicylate, tannic acid, sodium bicarbonate, and calcium and magnesium carbonates; that the *Swinade* consisted essentially of sulfur, iron sulfate, mandrake, strychnine-bearing material, corn meal, hydrated lime, and a magnesium compound; that the *Lax-A-Ton* was an aqueous solution containing, principally, potassium nitrate, potassium chlorate, potassium dichromate, and magnesium sulfate; that the *Necor for Swine* consisted of a gray powder containing, chiefly, magnesium and iron sulfates, small amounts of cobalt and manganese compounds, yeast, phosphate, sodium chloride, calcium carbonate, and nicotine; and that the *Pine-O-Mist* consisted essentially of creosote, guaiacol, camphor, oil of eucalyptus, pine oil, isopropyl alcohol, and water.

NATURE OF CHARGE: *Diarex*, misbranding, Section 502 (a), certain statements on its label and in an accompanying leaflet entitled "Scour Losses Reduced

in Livestock of All Ages by Using Diarex" were false and misleading since the statements and the name "Diarex" represented and suggested that the article would be effective in the treatment of scours and diarrhea in livestock and would prevent such conditions, whereas the article would not be effective in the treatment or prevention of such conditions.

Swinade, misbranding, Section 502 (a), certain statements on its label and in an accompanying leaflet entitled "Hog Sense" were false and misleading since they represented and suggested that the article would be effective in the removal of intestinal parasites, including large roundworms, from swine, whereas the article would not be effective for such purposes.

Lax-A-Ton, misbranding, Section 502 (a), certain statements on its label and in accompanying leaflets entitled "The Early Worm Gets The Bird," and "Protect Your Poultry Investment," were false and misleading since they represented and suggested that the article would be effective to combat such disease conditions of poultry as paralysis, coccidiosis, mycosis, worms, etc., to bring about "Internal sanitation," and to act as an intestinal astringent, whereas the article would not be effective for such purposes.

Necor for Swine, misbranding, Section 502 (a), the name of the article and certain statements on its label and in an accompanying leaflet entitled "What About Necro?" were false and misleading since the name and the statements represented and suggested that the article would be effective in the treatment and prevention of the serious diseases of swine known as necro, or necro enteritis, and of infectious enteritis, whereas the article would not be effective in the treatment and prevention of such diseases; and, Section 502 (i) (1), the carton containing the article was so filled as to be misleading, since the powder contained in the carton occupied only about 48 percent of the volume of the carton.

Pine-O-Mist, misbranding, Section 502 (a), certain statements on the label and in an accompanying leaflet entitled "Coughs and Sneezes Spread Diseases" were false and misleading since they represented and suggested that the article would be an effective remedy and preventive for roup, pneumonia, bronchitis, and fowl pox, and other respiratory diseases of fowls, and for respiratory diseases of swine, including influenza and colds, whereas the article would not be an effective remedy and preventive for those diseases and conditions.

DISPOSITION: April 30 and June 8, 1945. No claimant having appeared, judgments of condemnation were entered and the products, together with the leaflets, were ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF OMISSION OF, OR UNSATISFACTORY, INGREDIENTS STATEMENTS¹

1649. Misbranding of isopropyl alcohol compound. U. S. v. 587 Dozen Bottles of Isopropyl Alcohol Compound. Consent decree of forfeiture. Product ordered released under bond. (F. D. C. No. 15865. Sample Nos. 24339-H, 24343-H.)

LIBEL FILED: April 11, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about January 5 and July 23, 1943, by the Gold Medal Coffee Co., Inc., from Houston, Tex.

PRODUCT: 587 dozen bottles of *isopropyl alcohol compound* at New Orleans, La. Examination showed that all bottles contained less than 1 pint of the product and not more than 63.3 percent by volume of isopropyl alcohol.

LABEL, IN PART: "Krauss' Special One Pint Isopropyl Alcohol Compound 70%."

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since each bottle contained less than "One Pint"; and, Section 502 (e) (2), the label failed to state the quantity or proportion of isopropyl alcohol in the article, since the label statement "70%" was incorrect.

DISPOSITION: May 2, 1945. The Gold Medal Coffee Co., Inc., claimant, having admitted the allegations of the libel, judgment of forfeiture was entered and the product was ordered released under bond to be reprocessed under the supervision of the Food and Drug Administration.

¹ See also Nos. 1601, 1603, 1636, 1645.